SINGLE BENCH (4)

(2) final

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION(S) NO. 431 OF 2006 7

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

P.R. No. 4398/2
Presented by Shri Sanjay Gupta (Agrawal)
dated 12/1/07

PETITIONER:

Hussain Khan, aged about 29 years, son of Late Rasheed Khan, resident of – Near Head Post Office, Chandipara, Pamgarh, District Janjgir-Champa (C.G.)

VERSUS

RESPONDENT (S):

1. State of Chhattisgarh, Through it's Secretary, Department of Water Resources, D.K.S. Bhawan Raipur (C.G.)
2. Collector, Distt. Janjgir-Champa (Chhattisgarh)
3. The Chief Engineer, Water Resources Department, Minimata Hasdeo Bango Pariyojana, Bilaspur (Chhattisgarh)
4. Executive Engineer, Department of Water Resources, Minimata Hasdeo Bangho Pariyojana, Bilaspur (Chhattisgarh).
5. Sub Divisional officer, Water Resources Department, Akaltara Canal Division, Sub Division No.6, Pamgarh, District Janjgir-Champa (Chhattisgarh).

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(27) (26)

# HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

## W. P. (S) No. 431 of 2007.

**Petitioner** Hussain Khan

Versus

**Respondents** State of Chhattisgarh and others.

Shri Vinay Pandey, counsel for the petitioner.

Shri Arvind Dubey, Panel Lawyer, for the State/ respondents.

## ORDER

(Passed on 23rd of January, 2007)

Admittedly, the father of the petitioner was appointed as Watchman on daily wages. The father of the petitioner died on 08.01.2006 and the petitioner claims compassionate appointment.

(2) It is well settled principle of law that daily-wagers whose appointment is *de hors* constitutional scheme of employment and not in accordance with rules and regulations, have no right to the post. Since the father of the petitioner has no right to the post, his dependant cannot claim compassionate appointment under any policy. Even otherwise, compassionate appointment is also not a matter of right, but, it is a back-door entry to provide succor to the deceased family to tide over the financial crisis. In the facts and circumstance of the case, when the appointment of the father of the petitioner itself was on daily wage basis, the petitioner did not have any right to the post. No writ can be granted enforcing non-existing right.

(3) Accordingly, the petition is dismissed summarily.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Sujit